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In re Application of BOWMAN-AMUAH
Appl. No.: 09/387,747
Filed: August 31, 1999
For: SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR INFORMATION SERVICE MANAGEMENT IN A HYBRID COMMUNICATION SYSTEM

DECISION ON PETITION TO MAKE SPECIAL
37 CFR 1.102

This is a decision on the renewed petition under 37 CFR 1.102, filed December 10, 1999, to make the above-identified application special. A petition was originally filed on October 20, 1999 under MPEP 708.02, Section VIII: Accelerated Examination. Petitioner now requests that this application be made special under the accelerated examination procedure set forth in MPEP 708.02, Section II: Infringement.

A grantable petition to make an application special under 37 CFR 1.102 and in accordance with MPEP 708.02, Section II, must be accompanied by the required fee pursuant to 37 CFR 1.17(i) and a statement by applicant(s) or assignee or a statement by an attorney/agent registered to practice before the PTO in support of the petition stating:

1. that there is an infringing device or product on the market or method in use,

2. that a rigid comparison of the alleged infringing device, product or method with the claims of the application was made,

3. that some of the claims are unquestionably infringed, and

4. that a careful search of the prior art was made or that applicant(s) have good knowledge of the pertinent prior art.

The petition meets the requirements for special status. Authorization to charge the petition fee was included in the first petition.

For the above stated reasons, the petition is Granted.

If the examiner can make this application special without prejudice to any possible interfering

application, and the examiner should make a rigid search for such, the examiner is authorized to do so for the next action. Should the application be rejected, the application will not be considered special for the subsequent action unless the applicant promptly makes a bona fide effort to place the application in condition for allowance, even if necessary to have an interview with the examiner to accomplish this purpose.

If the examiner finds any intervening application for the same subject matter, the examiner should consider such application simultaneously with this application and should state in the official letter of such application that the examiner has taken it out of turn because of a possible interference.

Should an appeal be taken in this application or should this application become involved in an interference, consideration of the appeal and the interference will be expedited by all PTO officials concerned, contingent like upon diligent prosecution by applicant.

The petition is granted to the extent indicated.

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